



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 30 1998

EXPRESS MAIL
RETURN RECEIPT REQUESTED

(See Attached List of Addressees)

Re: General Notice Letter and Notice of Negotiations for Remedial Investigation/Feasibility Study; LCP Chemicals, Inc. Superfund Site
Linden, Union County, New Jersey

Dear Sir/Madam:

The U.S. Environmental Protection Agency ("EPA") has documented the release of hazardous substances into the environment at the LCP Chemicals, Inc. site (the "Site"), located in the City of Linden, Union County, New Jersey. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601, *et seq.*, and in response to these releases and the threat of future releases, EPA has spent public funds and anticipates spending additional public funds.

Under CERCLA and other laws, responsible parties may be held liable for any costs incurred by the government in taking response actions at the Site. The costs may include, but need not be limited to, expenditures for investigation, planning, clean up of the Site, and enforcement actions. Responsible parties may also be subject to orders requiring them to take response actions themselves. Based on available information, EPA believes that you may be a potentially responsible party (PRP) with respect to this Site. Responsible parties under CERCLA include, among others, the current and past owners and/or operators of a facility from which there has been a release or there is a threatened release of hazardous substances, as well as persons who arranged for the transport for disposal or treatment of hazardous substances owned or possessed by such persons. By this letter, EPA notifies you of your potential liability with regard to costs incurred by the government in taking response actions at the Site. EPA encourages you to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

EPA conducted environmental sampling at the Site under the authority of CERCLA. Based upon the results of this sampling, EPA has determined that contamination is present in the soil, sediment, and nearby surface waters due to past disposal practices at the Site. EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

On July 27, 1998, the Site was included on the National Priorities List, established under Section 105 (a) (8) (B) of CERCLA, 42 U.S.C. § 9605 (a) (8) (B), and set forth at 40 C.F.R. Part 300, Appendix B.

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At present, EPA is planning to conduct the following studies at the Site:

1. A remedial investigation (RI) to determine the nature and extent of the contamination at and emanating from the Site and to evaluate the threat that this contamination poses to public health and the environment.
2. A feasibility study (FS) to evaluate possible remedial alternatives to remove, treat, or contain the hazardous substances at the Site.

In addition to the above studies, other measures may be necessary to protect health, welfare, or the environment. These other measures may include, but are not limited to:

1. Implementation of initial remedial measures or removal actions, *e.g.*, securing the Site to prevent human contact with hazardous or toxic substances, and/or removal of contaminated material;
2. Design and implementation of any remedy for addressing soil, groundwater, surface water, and/or sediment contamination that is ultimately selected by EPA for the Site; and
3. Any monitoring and maintenance necessary after remedial measures have been completed.

By this letter, EPA wishes to determine whether you will voluntarily finance or perform the RI/FS for the Site. If you intend to finance or perform the RI/FS, you must submit a written "good faith proposal" to EPA within thirty (30) days of the date of your receipt of this letter.

In order for your proposal to be considered a good faith proposal, it must include the following elements:

1. A statement of the PRPs' willingness to conduct or finance the RI/FS, including reimbursement of costs associated with EPA's oversight of the RI/FS;
2. The PRPs' comments, if any, on EPA's draft administrative order on consent (enclosed);
3. A demonstration of the PRPs' technical capability to carry out the RI/FS, including the identification of the firm(s) that may actually conduct the work or a description of the process the PRPs will use to select the firm(s);
4. A demonstration of the PRPs' ability to finance the necessary response actions;
5. A statement of willingness by the PRPs to reimburse EPA for costs incurred in overseeing the PRPs' conduct of the RI/FS; and

6. The name, address, and telephone number of the individual(s) who will represent the PRPs in negotiations.

If EPA determines that a good faith proposal has been submitted within the specified thirty (30)-day period, then negotiations will be held for an additional period of up to sixty (60) days to finalize the agreement in an administrative order on consent. However, should EPA determine that a good faith proposal has not been submitted within thirty (30) days, EPA may thereafter initiate a federally-funded RI/FS at the Site, the costs of which the PRPs may be held liable for under CERCLA. EPA also may take action under Section 106(a) of CERCLA to require you to carry out the necessary RI/FS.

Any agreement by the PRPs to conduct the RI/FS must be memorialized in an administrative order on consent under CERCLA. A draft of the consent order is enclosed herewith. Please note that many of the provisions of the consent order are nationally consistent boilerplate provisions that the United States does not plan to negotiate. Please note further that EPA intends to negotiate one administrative order on consent with all PRPs who have submitted a good faith offer.

You will note that the enclosed administrative order on consent includes provisions regarding the payment of EPA's past costs at the Site. EPA has incurred at least \$85,601.98 in past costs as of August 18, 1998 and continues to incur costs. The costs incurred by EPA with respect to the Site are charged to the Hazardous Substance Superfund, established pursuant to 26 U.S.C. § 9507 and administered by EPA. As PRPs, you are potentially jointly and severally liable for EPA's costs, and interest. Demand is hereby made for payment of EPA's costs.

Your response to this notice letter should be sent to:

Mr. Muthu Sundram
Assistant Regional Counsel
Office of Regional Counsel
New Jersey Superfund Branch
U.S. Environmental Protection Agency
290 Broadway, 17th Floor
New York, NY 10007-1866

with a copy to:

Ms. Patricia Simmons
Remedial Project Manager
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866

This notice is not being given under the special notice procedures of Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), as EPA does not believe that those procedures would facilitate an agreement or expedite the performance of an RI/FS at the Site.

Please contact Mr. Sundram at (212) 637-3148 if you wish to discuss these matters in further detail, or if you have any questions regarding this letter.

We appreciate your immediate attention to this matter.

Sincerely yours,



f Richard L. Caspe, Director
Emergency and Remedial Response Division

Enclosure

cc: Roger Florio, Union Carbide Corporation (w/enclosure)
David R. Pierce, Lindabury, McCormick & Esterbrook (w/enclosure)
Richard Tisch, Praxair, Inc. (w/enclosure)
Sharon L. Weiner, Wolff & Samson (w/enclosure)

List of Addressees:

Samuel J. Heyman
Chairman of the Board
GAF Corporation
1361 Alps Road
Wayne, NJ 07470

William H. Joyce
Chairman of the Board
Union Carbide Corp.
39 Old Ridgebury Road
Danbury, CT 06810

John Hodson, President
Caleb Brett USA, Inc.
Post Oak Tower
5051 Westheimer, Suite 1700
Houston, TX 77056

Peter R. Kuehne, President
Kuehne Chemical Co., Inc.
86 Hackensack Avenue
Kearney, NJ 07032

H. William Lichtenberger
Chairman of the Board
Praxair Inc.
Industrial Avenue
P.O. Box 237
Keasbey, NJ 08832